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**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Massachusetts Turnpike Authority	)	File No. EB-FIELDNER-14-00014497
Antenna Structure Registrant	)	
ASR #1008328	)	NOV No. V20143260006
Newton, Massachusetts	)	
	)	

**NOTICE OF VIOLATION**

**Released: June 24, 2014**

By the District Director, Boston Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),<sup>1</sup> to Massachusetts Turnpike Authority, registrant of antenna structure #1008328 in Newton, Massachusetts. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On March 18, 2014, in response to a complaint, an agent of the Enforcement Bureau's Boston Office inspected antenna structure #1008328 located at Exit 16 of the Massachusetts Turnpike, Newton, Massachusetts, and observed the following violations:

- a. 47 C.F.R. § 17.50: "Antenna structures requiring painting shall be cleaned or repainted as often as necessary to maintain good visibility." At the time of inspection, the agent observed that the paint on the antenna structure was severely faded, resulting in extremely poor visibility.
- b. 47 C.F.R. § 17.51(a): "All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified." The agent conducted an inspection of the antenna structure after sunset and observed that the lights on the antenna structure were extinguished.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Massachusetts Turnpike Authority must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> 47 U.S.C. § 403.

<sup>4</sup> 47 C.F.R. § 1.89(c).

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4. In accordance with Section 1.16 of the Rules, we direct Massachusetts Turnpike Authority to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Massachusetts Turnpike Authority with personal knowledge of the representations provided in Massachusetts Turnpike Authority's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Boston Office  
1 Batterymarch Park  
Quincy, Massachusetts 02169

6. This Notice shall be sent to Massachusetts Turnpike Authority at its address of record.

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Dennis Loria  
District Director  
Boston Office  
Northeast Region  
Enforcement Bureau

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<sup>5</sup> Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).